

From: Lambert, Gavin (Advanced Manufacturing and Services) [GRO] k]
Sent: Sat 16/03/2019 10:03:00 AM (UTC)
To: Clark, Mpst (BEIS) [GRO] Tolhurst, Mpst (BEIS) [GRO]; Cooper, Tom - UKGI [GRO]; Holloway, William (BEIS) [GRO] Willmer, Jacob (BEIS) [GRO]
Cc: Clark Spad, Mpst (BEIS) [GRO] Watson, Craig (Advanced Manufacturing and Services) [GRO]; Aldred, Tom - UKGI [GRO]; Miles, Annabelle (Communications & Partnerships) [GRO]; Vandini, Cecilia (Advanced Manufacturing and Services) [GRO]; Clarke, Stephen - UKGI [GRO]; Watson, Richard - UKGI [GRO]; Fox, Joshua - UKGI [GRO]; Lambert, Lucie - UKGI [GRO]
Subject: Re: POL discussion with SoS and Kelly Tolhurst
Attachment: Annex 3 - Draft UQ Answer on Common Issues Judgement_Revised 15 March[1].docx
Attachment: Annex 4 - UQ Rebuttal on POL Litigation Judgement[1].docx
Attachment: Annex 5 - Written Ministerial Statement Draft[1].docx

Thanks Tom – very helpful.

Adding colleagues from our master thread on this given moving parts

To summarise next steps on the actions Tom has set out from SoS call just now:

- Will to work with Gavin and Tom to draft a Dear Colleague letter to send to SoS and Kelly this morning for distribution this afternoon
 - Will and I just spoke and we'll discuss when you've had a chance to look at the attached UQ statement which could form the basis of a letter (annex 4). Could also add in material from annex 5
- Gavin and Tom's teams to work with Kelly's office to prepare a UQ rebuttal
 - Draft UQ rebuttal and draft statement already done - attached as annexes 3 and 4. We can iterate over the weekend as required
- Kelly to speak with POL today. No need for a further meeting on Monday
 - Briefing done and all In hand
- Gavin and Tom's teams to work with Kelly's office and spads on Departmental a public statement
 - Copying Annabel who has already been working on a comms line. Will pick up separately

Gavin

Gavin Lambert

[GRO]

From: "Clark, Mpst (BEIS)" [GRO]
Date: Saturday, 16 March 2019 at 09:47
To: "Tolhurst, Mpst (BEIS)" [GRO], "Lambert, Gavin (Advanced Manufacturing and Services)" [GRO], "Cooper, Tom - UKGI" [GRO], "Holloway,

William (BEIS)" <[GRO]>, "Willmer, Jacob (BEIS)" <[GRO]>
Cc: Jeremy Lumb <[GRO]>
Subject: POL discussion with SoS and Kelly Tolhurst

All,

Thanks for joining the call this morning. Quick readout below with actions. Let me know if anything doesn't make sense and please circulate as appropriate. It seems to me the main product today will be the Dear Colleague that Will agreed to draft. Gavin/Tom, are you OK to work with him to get a text to me and Hibaq this morning for clearance?

Will – it might be helpful to discuss who we send these to. I think SoS said he wanted these out this afternoon. I presume by email is best?

Tom

Participants:

SoS
Kelly Tolhurst
Will Holloway
Jacob Willmer
Gavin Lambert
Tom Cooper
Tom Cartlidge (PS)
Hibaq Said (PS)

Actions

- Will to work with Gavin and Tom to draft a Dear Colleague letter to send to SoS and Kelly this morning for distribution this afternoon
- Gavin and Tom's teams to work with Kelly's office to prepare a UQ rebuttal
- Kelly to speak with POL today. No need for a further meeting on Monday
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Detail

Kelly brought SoS up to date on the judgement against POL, indicating that the judgement was close to the worst-case scenario.

Tom Cooper highlighted the case is the first of four involving POL and involved interpretation of its contracts with post masters and mistresses. The judge found the contracts were relational which creates a deeper relationship between the parties than in a typical business contract. The judge struck out the principle that any losses should be made up by post masters/mistresses and indicated it would be necessary for POL to investigate losses before applying this principle. The judge also made clear that terminations would need to take account of personal circumstances including recent investments.

SoS asked about the prospect of an appeal by POL. Tom Cooper discussed the legal advice received by POL. This advice will require careful consideration. Tom indicated that there are both legal and tactical reasons for POL to appeal and that it is most likely they will do so. Appealing may be helpful in reaching a settlement.

SoS made clear his primary objective is to see justice done. Where postmasters and mistresses have been treated improperly they should be treated justly. It will be necessary to consider the legal advice carefully to ensure no activity by BEIS will prejudice any appeal.

SoS and Kelly discussed the possibility of making a statement. SoS resolved not to make a proactive statement. He

asked that a UQ rebuttal be prepared for Monday morning. He also asked that the Department put out a statement making the point that we are aligned with the interests of the postmasters but that we are still going through the legal process. We should also do a Dear Colleague letter promising to revert to the House when the legal matters are completed. It should be robust in tone and making clear that the litigation is ongoing and that HMG will keep the House updated.

SoS made clear that where POL can fix problems internally before the conclusion of the legal process it should do so. He agreed with Tom Cooper's assertion that caution would be required to ensure that justice is done for legitimate claimants, but that restitution may not be appropriate in all circumstances.



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